

# Exhibit 7

**In the Matter of Gregory Royal**

**Case Number: 14-56-22**

**Agency: United States Patent and Trademark Office**

**STATEMENT OF MATTHEW SUCH**  
**RESPONSIBLE MANAGEMENT OFFICIAL**

On June 25, 2014, I was interviewed by the designated EEO Investigator, Lisa A. Kleine. Ms. Kleine explained to me that she was investigating allegations made by the Complainant that he was discriminated against in the form of a hostile work environment on the bases of sex (male) and race (African American/Black) since:

1. *On or about December 13, 2013, Complainant alleges his complaints of hostile work environment were not taken seriously because he is a "six foot, medium built black man" and the alleged harasser is a white woman;*
2. *On or about November 07, 2013, he was physically assaulted by a white female co-worker;*
3. *On or about December 13, 2013 and continuing Complainant alleges that his harasser as been allowed to continue to violate USPTO policies on workplace safety and conduct by bringing several knives to the workplace and threatening Complainant.*

I was advised by Ms. Kleine of my rights as a witness/party in an EEO case, and was informed that my statement would and may be reviewed by the agency, the Office of Equal Employment Opportunity and Diversity and other interested parties, in the context of this claim. I have also been advised that there is no assurance of confidentiality as to the testimony given herein. I was also advised that I had the right to have a representative assist me in these proceedings, but chose not to.

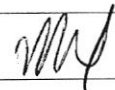
The following represents a true and accurate summary/statement of the information that I provided to Ms. Kleine.

1. Please state your full name and identify your sex and race.

Matthew W. Such. Sex: Male. Race: White.

2. Please indicate your current position, your grade and step, the name of your current supervisor, the length of time you have been in your current position, your Art Unit and Technology Center.

I am the Supervisory Patent Examiner (SPE) for Art Unit 2896, Technology Center 2800, GS-15, Step 2. I have been a SPE since March 2012 and with USPTO since October 2005. My supervisor is Jack Harvey.



3. Please describe your duties and responsibilities in your current position.

I am assigned to an Art unit and I supervise 17 examiners. I am responsible for training new examiners, approving work product, assigning cases from the docket, and assisting the Director's office with projects as needed. I also conduct performance reviews for the examiners I supervise.

4. Do you know the Complainant in this matter Gregory Royal, and if so, explain how you know him.

Yes, I know Complainant. From September 2013 to January 2014 I was detailed to the Patent Training Academy (PTA) to supervise a lab of probationary patent examiners. I continued work in my Art unit as well. New examiners get training in basic things from how to correctly examiner patents to administrative matters such as time keeping. Probationary patent examiners are at the PTA for four months. Complainant was part of the lab I supervised.

5. How many new examiners did you have in your lab?

17.

6. Was this the first time you had worked at the Training Academy?

This was my first time supervising a class. I worked as a trainer in a lab once before.

7. What were your duties as supervisor for a lab at the Training Academy?

It is similar to my responsibilities as a SPE in the Art Unit, but generally I was responsible for assuring the patent examiners received the appropriate training they needed. I gave each probationary patent examiner an interim rating at 120 days, conducted some of the training, exercises and lectures. In addition, I did anything that the class manager needed or asked me to do.

8. Who was your class manager?

Jessica Rossi (formerly Jessica Ward).

9. Do you know the Complainant's race? How do you know his race?

Yes. I know Complainant's race from information provided in connected with this case.

10. Did you know Mr. Royal's race before receiving information from the investigator?

Yes, I believe he is African American based on personal observation.

11. What documents did you see from the investigator?

I received a request for documents and a memo about retention of records.

12. Do you know Complainant's sex, and if so, how do you know his sex?

Yes, he is male and I know this from personal observation.

13. Complainant has alleged that he was harassed by classmates in his lab beginning in September 2013, specifically Vincent Wall and Violeta Prieto. When was the first time you learned that Complainant was either being harassed or having problems with other probationary patent examiners in the class?

From reviewing my notes, I learned of the issue on or about October 17<sup>th</sup>, 2013. Complainant and Mr. Wall had some sort of disagreement. The emails regarding the disagreement are attached as Exhibit 1.

14. What do you get, from whom, and what do you do?

Mr. Wall came to see me and said that he and Complainant had some sort of disagreement. Mr. Wall did not say much about the subject of their disagreement. It sounded like they were talking about prior art, and that it happened in the lab. They apparently had a disagreement about the dates or case and whether prior art was an issue. Then the next morning, Mr. Wall sent me an email saying he had gotten a letter from Complainant. Mr. Wall sent a copy of the letter to me. He was worried about it. Later, both Mr. Wall and Complainant sent emails to me saying they wanted discuss the situation. The letter from Complainant to Mr. Wall is attached as Exhibit 2.

15. What did you do?

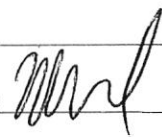
I told them to come to my office and they elected to have separate meetings. Complainant explained that he and Mr. Wall disagreed about prior art. Complainant said that did not appreciate Mr. Wall's comments. Complainant also stated that Mr. Wall had written something on the whiteboard about the prior art.

Mr. Wall's version of events was the same. Mr. Wall was very direct and said that he thinks he said something to Complainant that offended him. Other than that, I was not able to figure out exactly else what happened. I told Mr. Wall to be mindful of his interactions with his co-workers.

I talked with the class manager, Ms. Rossi, and sent the emails to her. Ms. Rossi advised me to meet with the two of them together to see if I could resolve their issues.

I then met with Complainant and Mr. Wall together and I basically said we need to find a way to work together. Mr. Wall did not say much during the meeting. Complainant said he felt disrespected by Mr. Wall. I counseled them to try and avoid these types of incidents and that they needed to be able to work together in the lab. They both seemed to understand at the end of the meeting.

16. Did you have any reason to believe race play a role incident?





No.

17. What race is Mr. Wall?

I believe that Mr. Wall is white based personal observations.

18. What did you do the information Mr. Royal provided to you about the objectionable and/or harassing behavior by Mr. Wall?

From what I could tell, that the two had a disagreement. I don't know if they were joking around or what, but after talking to them and meeting separately and together, it appeared that the problem was resolved.

19. Do you have any information about Mr. Wall making statements to other co-workers about their religion? Did anyone report anything to you after your meeting with Mr. Wall and Complainant?

Yes. Fairly recently, in April 2014, I was talking to a manager in the Technical Center, Sandie Spyrou. Complainant reported to her or another manager that Mr. Wall was asking other examiners in the lab who he believed to be Muslim, "Why do you have the name Mohammed?" I did not observe this personally. Complainant also mentioned this in a meeting with Ms. Rossi after the December 2013 incident.

20. Mr. Royal indicated he made reports about problems between Ms. Prieto and himself, specifically Ms. Prieto was yelling "shut up" at Complainant as he tried to speak or interact with lecturers. What information, if any, do you have about this problem?

On or about November 7, 2013, a technical specialist gave a lecture to the lab about computer tools the examiners were using. Both Complainant and Ms. Prieto sent me emails following the lecture. Complainant said Ms. Prieto told him to shut up during the lecture.

21. What did Ms. Prieto send a note about?

Ms. Prieto replied to the email from the Complainant. Complainant also copied the class manager on his initial email. Ms. Prieto replied, "You are twisting things again. You asked a question and did not let Hop answer it because you had something else in mind (as usual). Please be respectful. And yes there are witnesses."

22. Were you aware of any problems between Mr. Royal and Ms. Prieto prior to the November 7, 2013 emails?

No.

23. What did you do as a result of the information you had?

I talked to Complainant about the situation with Ms. Prieto. He said, "I was asking a question, and she has been telling me to shut up or shush." I said I would talk to Ms. Prieto. When I spoke with Ms. Prieto she did say she told him to shut up. She said, "I was in the wrong." She then complained that Complainant was not letting the lecturer respond to questions from the lab and that this was causing her to have difficulty following the subject matter. I told her that she cannot tell others to shut up. I told her she needed to always maintain professionalism. She seemed fine with that, and said it would not happen again.

I then followed up with Complainant. I told him that Ms. Prieto admitted to telling him to shut up and she told me she would stop. I informed Complainant that I counseled Ms. Prieto on the incident.

I noticed that Complainant had a deeper knowledge of patent law than many of his classmates. He really got into the training and asked advanced questions. I suggested that he bear in mind that his classmates do not necessarily have his extensive background in patent law when asking questions during the lectures.

24. Did he ever report to you prior to November 7 that Ms. Prieto had a knife?

No.

25. Was November 7 the first time he complained of harassment by Ms. Prieto?

Yes, November 7, 2013 the first time he complained to me about Ms. Prieto. However, there was an earlier incident on or about October 18, 2013 when Complainant asked me to remind the class of the class rule to let one person speak at a time. I do not know what generated Complainant's request. So the next time I had an opportunity in front of the class, I did remind everyone to keep it down, let each other finish, etc.

26. After the November 7 incident with Ms. Prieto, when were you next aware there was a problem?

On or about November 7<sup>th</sup>, 2013, Complainant said they were coming back and forth from the lecture hall, and he indicated he had to move out of Ms. Prieto's way as she rushed out of the lecture hall. I spoke with the class manager. There were approximately 180 people in the lecture room that day and everyone exits through two single-file doors. It did not seem unusual that people may have to move out of each other's way. Complainant also said that on the same day, Ms. Prieto touched his hand and told him to shush. When I asked her about that, she denied doing it.

27. Were you getting any regular reports that she was harassing him or causing Mr. Royal problems?

No, I was not.

28. Were you getting any reports from others in the class about problems in the class?

No.

29. When was the next incident involving Mr. Royal and Ms. Prieto?

The next incident was on December 13, 2013, involving the knives.

30. Did you know Ms. Prieto had knives on her desk prior to the December 13 incident?

No.

31. What happens on December 13, 2013?

I logged into my email account that morning from home and an email from Complainant was in my Inbox. He stated that Ms. Prieto had knives on her desk. He also said she was pulling hair out of her head, eating sunflower seeds loudly, and continued to be contentious.

32. What do you do?

Since I was at home and not at the office at that time, I forwarded the email to the class manager and called her. I also tried to call Complainant and recall leaving a message to say I was speaking to the class manager and for him to please call me.

I called Ms. Rossi back and we discussed the email and how best to respond. I told Ms. Rossi that I was not on campus and she mentioned that she was also teleworking. Ms. Rossi said she would try to contact the Director of the PTA and we discussed that these two examiners may need to be separated.

33. What was in the email that made you think they needed to be separated?

Complainant stated that he could not focus. He also requested an early move to the Technology Center where the examiners were scheduled to move about a month later. Also, I had talked to Ms. Prieto once already about her behavior and it appeared that these two examiners could not work together.

34. For Ms. Prieto, what did you do?

Ms. Prieto was moved later on that day to another lab within the PTA.

35. So what happened after you got the email from Mr. Royal and contacted Ms. Ward?

I understand that the Director and/or the Deputy Director of the PTA went over to the lab. I understand that the lab was quiet and the examiners were working. I was told by the class manager that Ms. Prieto's knives were kitchen utensils, and examiners are permitted to have utensils on campus. I called Complainant and gave him an update. I indicated that I was in



another building would come by the lab, and that Complainant should call me if he needed anything.

36. Who are the director and Deputy Director?

Gary Jones was the Director of the Office of Patent Training; Deborah Reynolds was the Deputy Director.

37. Do you recall who toured lab in response to Ms. Ward's call?

My best recollection is that the class manager said it was the Director and/or the Deputy Director.

38. What happens next?

I arrived at the lab and Security was interviewing the other examiners. The Director and the Deputy Director were already there. I sat in on a meeting between Ms. Prieto, Complainant, and Security. Ms. Prieto had apparently been escorted out of the building to take the knives to her car.

Security told Ms. Prieto that she needed to stop bothering Complainant and they needed to work together. Complainant and Ms. Prieto argued back and forth. An officer stated to Ms. Prieto that her classmates in the lab said she had been bothering Complainant. Ms. Prieto was later sent to Employee Relations. If I recall correctly, Complainant went to Employee Relations on his own.

39. Were the knives a violation of USPTO policy?

I do not think so.

40. Did anything else happen as a result of this incident which took place on December 13?

Ms. Prieto was moved immediately and Complainant was moved to the Technical Center within the next few days.

41. What is Ms. Prieto's race?

I believe that Ms. Prieto is white based personal observations.

42. Do you think how this matter was handled had anything to do with the fact that it involved a white woman harassing a black man?

No.

43. Who made decision on disciplinary action for Ms. Prieto regarding the knives or her behavior?

I understand that Employee Relations handled the matter.



44. Do you have any reason to believe that Ms. Prieto was harassing Mr. Royal based on his race or sex?

No.

45. What do you attribute it to?

I have no personal knowledge.

46. Do you know anything about Complainant being physically assaulted by a co-worker on November 7, 2013?

No, I do not know about Complainant being physically assaulted.

47. Do you have any reason believe that Complainant was subjected to discrimination in the form of a hostile work environment due to his race and his sex in the handling of his complaints of co-worker harassment?

No.

48. Why not?

I am not aware of any facts to support this allegation.

49. Other than specific reports we have talked about, was anything else reported?

After incident in December 2013, the training assistant told me that the atmosphere in the lab was tense. Other than that, nothing else specific that I recall.

50. Were you present when Ms. Ward talked to Mr. Royal following the December 13 incident?

Yes, I was present when they talked the following Monday.

51. What did she say to Mr. Royal?

I do not recall all of the specific questions, but the class manager started the meeting by asking for any further information about the incident between Complainant and Ms. Prieto in the lab. Ms. Rossi asked Complainant what was going on, and asked what the Agency could do.

52. Did she ever insinuate that it was not ok to call security?

No, not that I recall.

53. Did you get any sense that he felt that how this matter was handled was based on his race?

No, not at all.

54. Anything else I should know about these incidents that you have not been asked?

I was copied on an April 30<sup>th</sup>, 2014 email from Complainant's supervisor in the Technical Center, Lisa Caputo. Ms. Caputo forwarded an email from Complainant sent to Jennifer Ware in Employee Relations, dated April 25, 2014. In the April 25 email, Complainant, indicated that in a follow up lecture, Ms. Prieto was passing in front of him and that she had intent to continue to harass him. A copy of the Security report from the December 2013 incident was attached to Complainant's email.

55. Are there any other witnesses whose names have not been mentioned that I should speak with?

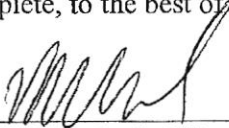
No.

56. Did anyone from Human Resources (HR) or the Office of General Counsel (Legal) review your Affidavit or assist you with your responses before you signed and submitted your Affidavit to the Investigator? If the answer is yes, please provide the name, position and title of that individual(s) along with the Agency office to which s/he is assigned.

Yes. Rachel Damelin, Associate Counsel, Office of the General Counsel, Office of General Law.

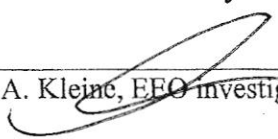
OATH

I, Matthew Such, have read the above statement/affidavit and being duly informed, and understanding the penalties of perjury; duly swear under oath that the statements made in this Affidavit are true and correct, and complete, to the best of my knowledge.

  
Matthew Such, Witness/Affiant

Dated: July 21, 2014

Subscribed and sworn to me this 25<sup>th</sup> day of July, 2014.

  
Lisa A. Klein, EEO Investigator, or Notary Public